

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID BRUCE ALLEN,

Defendant.

CASE NO. CR20-0161-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue the trial and pretrial motions deadline (Dkt. No. 16). The current pretrial motions deadline is October 29, 2020 and the current trial date is December 7, 2020. (*See* Dkt. No. 12.) Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Defendant requests that the Court continue trial to provide additional time to review discovery and effectively prepare for trial. (Dkt. No. 16 at 2.) Defendant has filed a speedy trial waiver through August 1, 2021. (Dkt. No. 17.) The Government does not oppose Defendant's motion. (*See* Dkt. No. 16 at 2.) Moreover, the Court must consider Defendant's motion in the context in which it arises. Over the past seven months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has made it

1 difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of
2 the community, and public health guidance has impacted the ability of jurors, witnesses, counsel,
3 and Court staff to be present in the courtroom. (*See generally id.*)

4 Having thoroughly considered the briefing and the relevant record, the Court FINDS that
5 the ends of justice served by granting a continuance outweigh the best interests of Defendant and
6 the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 7 1. Defendant needs additional time to prepare for trial. Therefore, the failure to grant a
8 continuance would deny Defendant's counsel reasonable time necessary for effective
9 preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 10 2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
11 spectrum of jurors to represent a fair cross section of the community, which would
12 likely make proceeding on the current case schedule impossible or would result in a
13 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 14 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
15 Court staff to be present in the courtroom. Therefore, proceeding with the current trial
16 date would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

17 Accordingly, the Court ORDERS:

- 18 1. The December 7, 2020 jury trial is CONTINUED until July 12, 2021.
- 19 2. The October 29, 2020 pretrial motions deadline is CONTINUED until May 28, 2021.
- 20 3. The period from the date of this order until July 12, 2021 is an excludable time period
21 under 18 U.S.C. § 3161(h)(7)(A).

22 //

23 //

24 //

25 //

26 //

1 DATED this 3rd day of November 2020.

2
3
4 

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26